REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,751,286 to Barber et al., (hereinafter "Barber"). Additionally, the Examiner rejects claims 7, 8, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 5,930,783 to Li et al., (hereinafter "Li"). Furthermore, the Examiner rejects claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 6,748,398 to Zhang et al., (hereinafter "Zhang"). Lastly, the Examiner rejects claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 6,363,376 to Wiens et al., (hereinafter "Wiens").

In response, independent claims 1, 18 and 19 have been amended to clarify their distinguishing features. Specifically, independent claims 1, 18 and 19 have been amended to clarify that the user can designate an importance of each of the one independent retrieval condition by designating a position on the matrix form. The amendment to claims 1, 18 and 19 is fully supported in the original disclosure. Thus, no new matter has been introduced into the present disclosure by way of the present amendment to claims 1, 18 and 19.

In claims 1, 18 and 19, each row and column of a matrix form is assigned to one independent retrieval condition, allowing the user to intuitively designate a retrieval condition. The user can designate the importance of a condition by selecting a position on the matrix form. For example, the user can designate a retrieval condition so that only conditions of their interest are used, and conditions which are not of their interest are not used.

For example, in FIG. 6, the user selects a position on the matrix form to designate a condition using a characteristic in only shape or color, or designates a condition using characteristics in both shape and color. That is, the user perceives a position on the matrix form, and directly designates the importance of a condition.

On the other hand, FIG. 5 of Barber shows four windows (category containers) in the background and one window (example image window) in the foreground. In the outstanding Official Action, the Examiner denied patentability of our invention on the basis of the example image window.

As described in column 9 of Barber, a query created by dragging and dropping thumbnail images in the example image window is created in consideration of the position of the thumbnail image. For example, if a "BEARS" thumbnail is positioned on the left side and a "WATER" thumbnail is positioned on the right side, an image in which there is a bear on the left side arid water on the right side is retrieved with higher priority.

However, in the example image window of Barber, the right and left position and the top and bottom position in two-dimension is always designated at the same time, and it is impossible to designate only the right and left or top and bottom position. The two-dimensional position is always designated with the right and left, the top and bottom as a pair, and all these positions must be designated. As it is difficult to dispose a plurality of thumbnail images at the same position, it is not considered that the conditions of right and left, top and bottom are independent of each other (a plurality of images must always be disposed so that the condition of right and left or top and bottom is different from each other).

On the other hand, in claims 1, 18 and 19, each retrieval condition is independent and the user can designate the importance of each retrieval condition. In this

way, the degree of freedom between Barber and the method and apparatus of claims 1, 18 and 19 are differ greatly.

Thus, with regard to the rejection of claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b), a method for setting a retrieval condition when retrieving similar multimedia object data from a multimedia object database having the features discussed above and as recited in independent claim 1 is nowhere disclosed in Barber. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"[1] independent claim 1 is not anticipated by Barber. Accordingly, independent claim 1 patentably distinguishes over Barber and is allowable. Claims 2-6, 9, 10, 13-15 and 17 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 7, 8, 11, 12 and 16 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 7, 8, 11, 12 and 16 are at least allowable therewith because they depend from an allowable base claim.

With regard to the rejection of claims 18 and 19 under 35 U.S.C. § 103(a), independent claims 18 and 19 are not rendered obvious by the cited references because neither the Barber patent nor the Li patent, whether taken alone or in combination, teach or suggest an apparatus for setting a retrieval condition when retrieving similar multimedia object data from various multimedia object databases having the features discussed above. Accordingly, claims 18 and 19 patentably distinguish over the prior art and are allowable.

---

[1] Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 18 and 19 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm

g\olympus\1373\17169\amend\17169.am3